

## INCONVENIENCE CLAIMS

Soldiers and civilian employees whose shipments are funded by the military can file a claim with the applicable commercial moving company for expenses they incur when inconvenienced due to the moving company's failure to pick up and/or deliver personal property shipments by an agreed upon date. Claimants may submit a claim directly to the carrier for reimbursement of expenses such as food and lodging costs (these claims cannot be filed against the US Government). In the past, the carrier industry has generally shown a willingness to pay a portion of the expenses incurred because of their failure to perform. Reasonable claims for reimbursement may include, but is not limited to, claims for additional lodging costs, i.e., motel or hotel expenses, approximately half of food expenditures, additional expense for laundry services, and rental of essential items, e.g., cots, cribs, refrigerators, etc. The information below will assist you in pursuing a claim against the carrier.

How do I determine the amount of my claim? You should only include those out-of-pocket living expenses, which are **over and above** what you would normally have spent had the shipment been picked up and/or delivered on the required dates. If possible, notify your servicing Installation Transportation Office (ITO) prior to making out-of-pocket expenses.

Are there any offices available to assist me with filing? For Army personnel, the destination Transportation Office can assist you in preparing the claim. Legal Assistance attorneys are available to assist in drafting letters to carriers. Also, you may pick up claims packets, including sample claims letters from the Claims office of the Staff Judge Advocate, located in the Building 218, room 222, Torii Station, Okinawa, Japan.

What documentation should accompany my claim? Your claims packet should include, at a minimum, a copy of your claim letter, copies of your receipts for out-of-pocket expenses, copies of the Government Bill of Lading, DD Form 1299 (Application for Shipment of Personal Property), DD Form 619-1 (Statement of Accessorial Services performed), and a statement of the reason for the claim from the Personal Property Shipping Office.

How do I file? You should forward your claim to the carrier's home office by certified mail (with a return receipt requested) and copy-furnish the ITO. This copy will be filed in your shipment file. The carrier's address may be obtained from the nearest ITO. Receipts must accompany your claim before the carrier will consider action. This allows the carrier to verify the amount of the claim.

What happens if my claim is denied? If a carrier does not accept or acknowledge your claim, he is not in violation of the tender of service. However, the military closely monitors carrier responses to such claims. The ITO forwards copies of denials of valid claims to the appropriate military department for information and action.

If your claim has not been acknowledged within thirty days of submission, you should notify the Quality Control section of the nearest ITO. Personnel working in this office have the responsibility to ensure the carrier provides quality service and prompt delivery. Although the reimbursement by the carrier for inconvenience due to failure to deliver on time is not a violation of the tender of service, failure to deliver on time is. The information that you provide to the Quality Control section can assist them in determining the carrier's intent to provide quality and efficient service to the customer.

If your claim is not settled within sixty days of submission, it should be considered a denial. If your claim is denied in writing, you should provide the ITO with a copy of the denial. The Personal Property Shipping Office will appeal the denial to the carrier's home office. If this office is unsuccessful in resolving the claim with the carrier, the case file should be referred to the appropriate major command for Army and Air Force, for Marine personnel (Marine Corps Headquarters), and for Navy personnel (NAVMTO). The command/service will review and verify the reasonableness of the claim and forward the package to the Commander, Military Traffic Management Command (MTMC) for assistance in resolving the case file with the carrier. Finally, if the Commander, MTMC, is unable to resolve the claim with the carrier, the member will be advised of his/her rights to seek recourse against the carrier through civil court.

Who should I contact if I have further questions? In addition to contacting the ITO and the Legal Assistance Office, you may contact the SJA Claims office at 644-4742.